

REMARKS

Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks. Through this Reply, claims 15-24 have been added. Therefore, claims 1-24 are pending. Claims 1, 4, 7, 8, 9, 10, 11, 12, 13, and 14 are independent.

§ 103 REJECTION – SATO, GOTANDA

Claims 1-14 stand rejected under 35 U.S.C. § 103(A) as allegedly being unpatentable over Sato (USP 6,515,704) in view of Gotanda et al. (USP 6,707,570). *See Office Action, item 2.* Applicants respectfully traverse.

For a Section 103 rejection to be proper, the cited reference(s) must teach or suggest each and every claimed element. If the cited references fail to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

Independent claim 1 recites, in part “a thumbnail-image data transmitting device for transmitting the thumbnail-image data generated by said thumbnail-image data generating device to said image data receiving apparatus in association with the identification code that corresponds to the corresponding image of the subject.” Independent claims 4 and 11 recite similar features.

In the Office Action, the Examiner alleges that Sato teaches such a feature. *See Office Action, page 3, lines 2-5.* Contrary to the Examiner's allegation, Sato merely discloses that multiple images maybe sensed and displayed. Referring to Figure 2, a display screen 100 includes a main display area 101 in the center and a plurality of subwindows 102-113 on the periphery of the display screen 100. Sato discloses that simultaneously with the start of photography, a preview image of an object to be photographed is displayed on the main display area 101 and thumbnails of photographs already taken are displayed on the plurality of the subwindows 102-113. The photographed thumbnails are displayed in a time series. *See column 4, lines 38-40.* For example, the first thumbnail occupies subwindow 102, the next thumbnail occupies thumbnail 103, and so on.

However, contrary to the Examiner's allegation, Sato is completely silent regarding associating any type of an identification code corresponding to an image of a subject with the thumbnail image that is transmitted.

Indeed, it is difficult to understand what the Examiner considers to be equivalent to the thumbnail-image transmitting device as recited. In the Office Action, the Examiner referred to column 5, lines 10-45 of Sato to allegedly teach or suggest the feature of the thumb-nail image transmitting device. However, the relied-upon portion merely describes the operation of the display screen 100. For example, the relied upon portion discusses displaying

thumbnail images in the plurality of subwindows and of displaying oldest thumbnail in subwindow 102 and displaying newer thumbnails sequentially in the subsequent subwindows. There is no discussion about transmitting thumbnails in the relied upon portion.

Also, contrary to the Examiner's allegation, Gotanda cannot be relied upon to teach or suggest the feature of a thumbnail-image data transmitting device. Gotanda is directed toward an image printing system and method. Referring to Figure 21, a user may order prints from airport A (departure airport) and pickup prints from airport B (destination airport). When the user selects pictures for print at airport A, the high resolution data are transferred to the airport B so that images may be printed and picked up. Gotanda is silent regarding whether thumbnail images are transmitted at all.

For at least the above stated reasons, independent claims 1, 4, and 11 are distinguishable over the combination of Sato and Gotanda. Claims 2-3 and 5-6 depend from independent claims 1 and 4 directly or indirectly. Therefore, these dependent claims are distinguishable over the combination of Sato and Gotanda for at least the reasons stated with respect to claims 1 and 4.

Independent claim 7 recites, in part "receiving thumbnail-image data transmitted from a digital still camera and with which the identification code has been associated." Independent claims 8, 9, 12, and 13 recite similar features. It has been shown above Sato cannot be relied upon to teach or

suggest the feature of associating an identification code with images at all. Also, Gotanda has not been relied upon to correct for at least this deficiency of Sato.

In addition, independent claim 10 recites that a data transmitting device includes “an identification-code data receiving device for receiving ... an identification code transmitted from an image data receiving apparatus.” *Emphasis added*. In other words, it is the image transmitter who receives the identification code from the image data receiving apparatus. Independent claims 8, 9, and 14 recite similar features.

It is clear that neither Sato nor Gotanda may be relied upon to teach or suggest at least this feature. For at least the above stated reasons, claim 7-14 are distinguishable over the combination of Sato and Gotanda.

In the Office Action, in rejecting claims 7-12, the Examiner states, “As claims 7-12 are analyzed as previously discussed with respect to claims 1-6 above.” *See Office Action, page 6, line 4*. However, it should be noted that the feature of the data transmitting device including an identification-code data receiving device (and conversely the feature of image data receiving device including an identification-code transmitting device) is not recited in any of the claims 1-6. For these claims, the Examiner does not even allege a prima facie case of unpatentability.

Thus, no statements regarding these features in the cited references were made in the Office Action. As such, the absence of such statements is an admission that such features are not taught or suggested by the cited references.

For at least the reasons discussed above, Applicants respectfully request that the rejection of claims 1-14 based on Sato and Gotanda be withdrawn.

NEW CLAIMS

Through this Reply, new claims 15-24 have been added. The new claims are believed to be distinguishable over all cited references of record. Applicants respectfully request that the new claims be allowed

CONCLUSION

All objections and rejections raised in the Final Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Should there be any outstanding matters that need to be resolved, the Examiner is respectfully requested to contact Hyung Sohn (Reg. No. 44,346), to conduct an interview in an effort to expedite prosecution in connection with the present application.

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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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